

AMENDMENTS TO THE DRAWINGS

Figure 3 has been amended to illustrate reference numeral 18. The revised figure is attached herewith.

REMARKS

Pursuant to the Advisory Action dated December 2, 2005, the amendment filed November 7, 2005 was not entered. The Preliminary Amendment amends the claims as in the November 7th amendment, placing claims 1-11, 14-16, and 22 in condition for allowance.

I. Status of the Claims

Claim 12 has been cancelled and claim 13 was previously cancelled, both without prejudice or disclaimer of the subject matter therein.

Claims 1 and 8 have been amended. No new matter has been added.

Claims 1-11, 14-16 and 22 are pending.

Claims 1 and 8 have been objected to for informalities. Applicants have amended the claims along the lines suggested by the Examiner and respectfully submit that the objection has been addressed and request that the objection be withdrawn.

II. Status of the Drawings

Figure 3 has been amended to illustrate reference numeral 18 enumerating the arc-shaped elongated probe. Reference numeral 18 was present in Figure 3 as filed and was accidentally omitted upon the submission of the Formal Drawings. Support for this amendment is Figure 3, as filed, and in the Specification, page 15, lines 11-17. No new matter is added.

III. Acknowledgement of Allowable Subject Matter

Applicants thank the Examiner for the indication of allowable subject matter in claims 1-12, 14-16 and 22. Claim 12 has been cancelled and claims 1 and 8 have been amended to overcome the

Examiner's objections and the rejections under 35 U.S.C. § 112. Claims 1-11, 14-16 and 22 are in condition for allowance.

IV. Telephone Interview

Applicants thank the Examiner for all of the courtesies extended to Applicants' representative, Louis DelJuidice, during the interview of September 22, 2005. Applicants thank the Examiner for discussing the claims and the prior art of record.

V. Rejections Under 35 U.S.C. § 112, Second Paragraph

Claim 1 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for omitting the relationship between the actuation switch and the remaining elements of the axillary thermometer.

Applicants have amended claim 1 to include some of the structural interrelationships defined in claim 12 and respectfully submit that the relationship of the actuation switch to the remaining elements has been clarified. Accordingly, Applicants respectfully request that this rejection be withdrawn.

VI. Rejections Under 35 U.S.C. § 103(a)

Claims 17-21 are rejected under 35 U.S.C. § 103(a) as unpatentable over Japanese Patent Publication No. 61-270631 (hereinafter "JP '631") in view of U.S. Publication No. 2003/0002562 to Yerlikaya et al. (hereinafter "Yerlikaya"). Applicants have cancelled claims 17-21, thus rendering the rejection moot.

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Amendment dated August 8, 2006
After Final Office Action of December 2, 2005

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CONCLUSION

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining, which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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